

09-29-06

Ifw

**TRANSMITTAL LETTER  
(General - Patent Pending)**Docket No.  
19020

In Re Application Of: Greg Collier, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/541,998	July 13, 2005	Unassigned	23389	Unassigned	8073

Title: **OBESITY-RELATED GENES**COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Response to Notification of Defective Response  
Copy of Notice dated August 28, 2006  
Substitute paper copy of Sequence Listing  
Substitute Computer Readable Form of Sequence Listing on Disk  
Statement Under 37 C.F.R. 1.821(f) and (g)  
Certificate of Express Mail

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

Dated: September 28, 2006

Xiaochun Zhu  
Registration No. 56,311  
Scully, Scott, Murphy & Presser, P. C.  
400 Garden City Plaza-STE 300  
Garden City, New York 11530  
(516) 742-4343

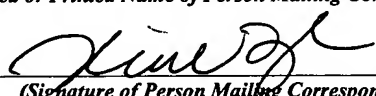
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc: XZ:ab

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)				Docket No.	
Applicant(s): Greg Collier, et al.				19020	
Application No. 10/541,998	Filing Date July 13, 2005 SEP 28 2006	Examiner Unassigned	Customer No. 23389	Group Art Unit Unassigned	
Invention: OBESITY-RELATED GENETIC					
<p>I hereby certify that the following correspondence:</p> <div><p>Response to Notification of Defective Response</p><p>(Identify type of correspondence)</p></div> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p><u>September 28, 2006</u> (Date)</p> <p><u>Xiaochun Zhu</u> (Typed or Printed Name of Person Mailing Correspondence)</p> <p><u></u> (Signature of Person Mailing Correspondence)</p> <p><u>EV861632921US</u> (“Express Mail” Mailing Label Number)</p>					
<p>Note: Each paper must have its own certificate of mailing.</p>					



UNITED STATES PATENT AND TRADEMARK OFFICE

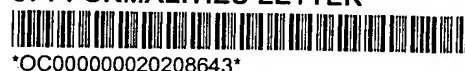
UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/541,998	Greg Collier	19020

23389  
 SCULLY SCOTT MURPHY & PRESSER, PC  
 400 GARDEN CITY PLAZA  
 SUITE 300  
 GARDEN CITY, NY 11530

INTERNATIONAL APPLICATION NO.	
PCT/AU04/00043	
I.A. FILING DATE	PRIORITY DATE
01/13/2004	01/13/2003

CONFIRMATION NO. 8073  
 371 FORMALITIES LETTER



\*OC000000020208643\*

Date Mailed: 08/28/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 07/13/2005
- Copy of the International Search Report filed on 07/13/2005
- Biochemical Sequence Diskette filed on 04/13/2006
- Oath or Declaration filed on 01/17/2006
- Biochemical Sequence Listing filed on 04/13/2006
- U.S. Basic National Fees filed on 07/13/2005
- Priority Documents filed on 07/13/2005
- Power of Attorney filed on 01/17/2006
- Specification filed on 07/13/2005
- Claims filed on 07/13/2005
- Abstracts filed on 07/13/2005
- Paper nucleotide sequence listings filed on 07/13/2005

Applicant's response filed 04/13/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 11/07/2005 have not been completed.

- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as

indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/541,998	PCT/AU04/00043	19020

FORM PCT/DO/EO/916 (371 Formalities Notice)

**BEST AVAILABLE COPY**